



Louisiana Board of Pharmacy

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Minutes

Regular Meeting

Wednesday, February 20, 2002 at 1:00 p.m.

Nissan Room – 6th Floor of University Library
Xavier College of Pharmacy
1 Drexel Drive
New Orleans, Louisiana 70125

Administrative Hearing

Thursday, February 21, 2002 at 9:00 a.m.

Nissan Room – 6th Floor of University Library
Xavier College of Pharmacy
1 Drexel Drive
New Orleans, Louisiana 70125

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A regular meeting of the Louisiana Board of Pharmacy was held on Wednesday, February 20, 2002 in the Nissan Room of the University Library at Xavier College of Pharmacy in New Orleans, Louisiana. The meeting was held pursuant to public notice, each member received notice, and notice was properly posted.

1. Call to Order

Mr. Carl Aron, President, called the meeting to order at 1:30 p.m.

2. Invocation

Mr. Aron called upon Ms. Ruth Jean, and she delivered the invocation.

3. Pledge of Allegiance

Following the invocation, Mr. Joseph Adams led the group in the recitation of the Pledge of Allegiance.

4. Quorum Call

Mr. Aron called upon the Secretary, Dr. Reuben Dixon, to call the roll. After doing so, Dr. Dixon stated that a quorum of the Board was present.

Present:

Mr. Joseph L. Adams
Dr. Lois R. Anderson
Mr. Carl W. Aron
Mr. Philip C. Aucoin
Mr. Brian A. Bond
Mr. B. Belaire Bourg
Mr. Clovis S. Burch
Mr. Wayne A. Camp
Mr. Theodore S. Carmichael
Mr. Salvatore J. D'Angelo
Dr. Reuben R. Dixon
Ms. Ruth C. Jean
Mr. Mr. Larry J. Lantier, Jr.
Mr. Marty R. McKay
Mr. Richard J. Oubre
Mr. T. Morris Rabb

Absent:

Mr. Jeffrey M. Landry

Present by Board Invitation:

Mr. Malcolm J. Broussard, Executive Director
Mr. Carlos M. Finalet, III, General Counsel
Mr. Stephen L. Collins, Compliance Officer
Mr. H. Jerome Foti, Compliance Officer
Ms. Kathleen V. Gaudet, Compliance Officer
Mr. W. Jerry Johnson, Compliance Officer

Guests:

(Numerous students from Xavier College of Pharmacy)

5. Call for Additional Agenda Items

Mr. Aron asked if there were any additional agenda items, and none were offered

At this point Mr. Aron requested authority from the Board to reorder the agenda as necessary for the purpose of adjusting the sequence of various reports. Mr. Oubre moved, and Mr. D'Angelo seconded,

Resolved, that the President may reorder the agenda with respect to the sequence of various reports as necessary.

The motion was approved after a unanimous vote in the affirmative.

6. Consideration of Minutes

Mr. Aron reminded the Board members that they had received the draft minutes from the last meeting in their advance-meeting packet; he then requested any changes.

Hearing no corrections, Mr. Burch moved, and Mr. Lantier seconded,

Resolved, that the Minutes of the Regular Board Meeting of November 14, 2001 and the Administrative Hearing of November 15, 2001, both held in Baton Rouge, Louisiana, are hereby adopted, ratified, and approved in their entirety.

The motion was approved after a unanimous vote in the affirmative.

7. Report on Action Items

Mr. Aron asked Mr. Broussard to report on the action items from the November 2001 Board meeting. Mr. Broussard reported on two matters from that meeting.

A. Request for Attorney General Opinion

During its November 14, 2001 meeting, the Board approved a resolution to request an opinion from the Louisiana Attorney General as to whether the Louisiana Pharmacy Practice Act contained sufficient authority for the Board to purchase, own, or possess immovable property such as land and buildings.

Mr. Broussard indicated that Mr. Finalet would report on that matter later in the meeting.

B. Promulgation of Proposed Regulation

During the November 14, 2001 meeting, staff reported on the status of the proposed regulatory revision of *LAC 46:LIII.1109 – Prescriptions*. Since there were no comments or objections from the Legislative Oversight Committee, the Final Rule was published in the December 20, 2001 *Louisiana Register*. A copy was provided in the meeting packet.

8. Confirmation of Acts

At the request of Mr. Aron, Mr. McKay moved, and Mr. Bond seconded,

Resolved, that the actions taken and decisions made by the Board officers, Board committees, and Executive Director in the general conduct and transactions of Board business since November 15, 2001 are approved, adopted, and ratified by the entire Board.

The motion was approved after a unanimous vote in the affirmative.

9. Opportunity for Public Comment

Mr. Aron informed the Board that Act 285 of the 2001 Louisiana Legislature required all public bodies to provide an opportunity for public comment at all meetings. He solicited comments from the guests in attendance, and a student in the audience asked about the Louisiana Commission on HIV and AIDS and whether there was any pharmacy representation. Mr. Aron acknowledged Ms. Jean as a member of that commission. Ms. Jean responded to the student with a brief explanation of her role as a member of that body.

10. Committee Reports

A. Finance Committee

Mr. Aron called upon Mr. Carmichael for the committee report. Mr. Carmichael directed the members to the Second Quarter Financial Report, as well as the Proposed Budget for Fiscal Year 2002-2003, both of which were distributed in the advance-meeting packet. He reviewed the various revenue and expense categories, and answered questions from Board members. Mr. Broussard provided relevant details as needed. At the conclusion of the presentation, Mr. Carmichael moved, and Mr. Burch seconded, that

Resolved, that the Board approve the Proposed Budget for Fiscal Year 2002-2003, as presented and recommended by the Finance Committee.

The motion was approved after a unanimous vote in the affirmative.

B. Examination/Technician Committee

Mr. Aron called upon Mr. Camp for the committee report. Mr. Camp noted that the committee had not met since the last Board meeting. He then presented data from the NAPLEX, MPJE, DSM, and PTCB examinations. The data from the September 1 – December 31 NAPLEX testing window, as well as the July 1 – December 31 MPJE testing window, were presented and reviewed. The Board also reviewed the PTCB test results, and discussed various reasons for the poor showing of Louisiana candidates. Mr. Camp also directed the members to the Licensure Activity Report listing 23 pharmacists and 169 technicians credentialed since the last Board meeting.

C. Tripartite Committee

Mr. Aron called upon Mr. McKay for the committee report. Mr. McKay reported that the committee met on November 27, 2001, and one of the major topics of discussion was the preceptor training manual project. He then requested Mr. Aron to recognize Dr. William Bourn, Dean of the ULM College of Pharmacy, for the purpose of a status report on the project. Dr. Bourn

outlined the project genesis, current status, and prognosis. Mr. Aron recognized the efforts of both colleges of pharmacy on the project and expressed the Board's appreciation for their assistance.

D. Reciprocity Committee

Mr. Aron called upon Ms. Jean for the committee report. Ms. Jean moved, and Mr. Aucoin seconded, that

Resolved, that the following candidates be approved for licensure by reciprocity:

Linda Gausepohl Barcelona
Roosevelt Alonzo Blye, Jr.
William Michael Gleason
Amy Anne Guidry
Angela Dawn Hart
Larry Jacob Humble

The motion was approved after a unanimous vote in the affirmative.

Ms. Jean then reported that another candidate had been interviewed, and the committee deferred action on the reciprocity application, referring the file to the Board's Compliance Division for an inquiry.

E. Regulation Revision Committee

Mr. D'Angelo reported on the committee's activity since the last Board meeting. He reminded the members they received a copy of Chapter 14 for review and approval. Mr. D'Angelo moved, and Mr. McKay seconded,

Resolved, that the Board approve Draft No. 4 of the proposed revision to *Chapter 14 – Charitable Pharmacy*, and further, to direct staff to initiate the promulgation process upon the President's instruction.

The motion was approved after a unanimous vote in the affirmative. The approved document is appended (*Appendix A*).

Mr. D'Angelo then directed the members to the committee's project record, which was distributed during the meeting. He alerted them to the upcoming topics of Chapters 5 and 11, as well as new areas such as methadone treatment centers and pharmacy benefit managers.

Mr. Aron informed the members that Mr. Rabb made a presentation to the committee during their last meeting concerning a proposed demonstration project. Glenwood Regional Medical Center proposed to establish a hospital-based pharmacist managed anticoagulation clinic. The proposal includes the use of collaborative drug therapy management protocols, and the demonstration project would include the Board of Medical Examiners, the Board of Pharmacy, and the clinic. The results of the demonstration project will be used in the construction of rules to regulate the use of collaborative drug therapy management protocols; the rules must be jointly promulgated by the Board of Medical Examiners and the Board of Pharmacy. Mr. Aron reported that the committee voted to recommend approval by the Board of Pharmacy, contingent upon the approval of the Board of Medical Examiners. Mr. Rabb responded to questions from some members. He then moved, and

Mr. Aucoin seconded,

Resolved, that the Board authorize staff to construct and execute a Memorandum of Understanding with the Board of Medical Examiners and Glenwood Anticoagulation Management Clinic, to reflect the Board's approval of the demonstration project.

The motion was approved after a unanimous vote in the affirmative.

Finally, Mr. D'Angelo expressed his appreciation to his committee members and staff for their assistance in the regulation revision project.

At this point, Mr. Aron declared a 15-minute recess. It was noted that the Board recessed at 2:45 p.m. and reconvened at 3:00 p.m. Mr. Aron then resumed the posted agenda in open session.

F. Reinstatement Committee

Mr. Aron called upon Mr. Rabb for the committee report, and he deferred the presentation of the report until the Administrative Hearing, scheduled for the next day. Mr. Rabb thanked his committee members for their work that day.

G. Impairment Committee

Mr. Aron called upon Mr. Burch for the committee report, and he deferred the presentation of the report until the Administrative Hearing, scheduled for the next day. Mr. Burch thanked his committee members for their work that day.

H. Violations Committee

Mr. Aron called upon Dr. Dixon for the committee report, and he deferred the presentation of the report until the Administrative Hearing, scheduled for the next day.

I. Executive Committee

Mr. Aron reported on the committee's January 24 meeting. None of the issues required Board action.

11. Report of General Counsel

Mr. Finalet reported that while the request for an Attorney General opinion relative to the Board's authority to purchase and possess immovable property was still pending, there was also a pending opportunity to augment whatever statutory authority might already exist. He reminded the members that a special session of the legislature was scheduled for the following month. He offered to construct the appropriate statutory amendment for possible introduction. Mr. D'Angelo moved, and Mr. Burch seconded, that

Resolved, that the Board approve the introduction of legislation to amend LRS 37:1182.B.6 to provide explicit authority to purchase and possess immovable property.

The motion was approved after a unanimous vote in the affirmative. Finally, Mr. Finalet reported there was no pending litigation.

12. Report of Executive Director

Mr. Broussard began his report with synopses of recent meetings, including the ASHP Midyear Meeting in New Orleans. He also reported on presentations he delivered to a local pharmacy organization in the New Orleans area.

He then reported the current census:

| | |
|-------------|-------|
| Pharmacists | 5,801 |
| Interns | 981 |
| Technicians | 3,307 |
| Trainees | 1,994 |
| Pharmacies | 1,720 |

Finally, he reported the initiation of the CE audit for 2002, utilizing a randomized selection of 20% of the pharmacists licensed by the Board.

13. Announcements

Mr. Broussard reminded the Board members of several calendar notes, and alerted them to the handout in their meeting packet. Finally, he informed them of the new registration procedures for those members attending the NABP Annual Meeting in Phoenix in May.

14. Recess

Mr. McKay moved, and Mr. Adams seconded, to recess. The motion was approved after a unanimous vote in the affirmative. With no further business before it, Mr. Aron placed the Board in recess at 3:50 p.m.

An Administrative Hearing was convened on Thursday, February 21, 2002 in the Nissan Room, located on the 6th Floor of the University Library at Xavier College of Pharmacy in New Orleans, Louisiana. The meeting was held pursuant to public notice, each member and respondent received notice, and notice was properly posted.

1. Call to Order

Mr. Aron called the meeting to order at 9:15 a.m.

2. Invocation

Mr. Aron called upon Ms. Jean, and she delivered the invocation.

3. Pledge of Allegiance

Following the invocation, Dr. Anderson led the group in the recitation of the Pledge of Allegiance.

4. Quorum Call

Mr. Aron called upon Secretary Dixon, and he called the roll. After doing so, he informed Mr. Aron that Mr. Landry was absent, but that all other members, constituting a quorum, were present.

At this point, Mr. Aron requested authority from the Board to reorder the agenda as necessary for the purpose to adjusting the sequence of various reports. Mr. Oubre moved, and Mr. Lantier seconded,

Resolved, that the President may reorder the agenda as necessary with respect to the sequence of various reports.

The motion was approved after a unanimous vote in the affirmative.

5. Call for Additional Agenda Items

Mr. Aron asked if there were any additional agenda items. None were offered.

6. Opportunity for Public Comment

Mr. Aron informed the Board that Act 285 of the 2001 Louisiana Legislature required all public bodies to provide an opportunity for public comment at all meetings. He solicited comments from the guests in attendance, but none were offered.

7. Appearances

Mr. Aron declared the Administrative Hearing in session, and then served as the Hearing Officer. Mr. Carlos M. Finalet, III served as General Counsel for the Board. Ms. Celia R. Cangelosi served as Complaint Counsel for the Board. Ms. Marlene Cashen was the Official Recorder. Due to prior knowledge, the members of the Violations Committee (Dr. Dixon, Mr. D'Angelo, Mr. Burch, Mr. Rabb, and Mr. Camp) were recused from the consideration of matters under their jurisdiction, and the remainder of the Board members present served as the jury, with Mr. Aron's reminder that any of them could recuse themselves from any particular matter where appropriate.

Mr. Aron then asked Mr. Collins to sound the docket, which he did then do. Mr. Aron admitted prior knowledge of the two cases docketed for formal hearings, and recused himself from the consideration of those cases. As the ranking officer not previously recused, Mr. Carmichael ascended to the chair to serve as the Hearing Officer for the first two cases.

It was noted that Mr. Camp departed the meeting at 9:25 a.m.

8. Formal Hearings

Stephen Raymond Bajon (Pharmacist License No. 9080) Mr. Carmichael requested Ms. Cangelosi to proceed with her presentation. Ms. Cangelosi noted that since the respondent was absent, the hearing would be a default proceeding. Following her presentation of evidence and witnesses, she presented the Proposed Findings of Fact, Conclusions of Law, and recommended sanctions. Following the Board's deliberations, Mr. Bourg moved, and Mr. Aucoin seconded,

Resolved, that the Board accept the Findings of Fact proposed by the Complaint Counsel, and adopt them as their own.

The motion was approved after a unanimous vote in the affirmative. Following further deliberations, Mr. Bourg moved, and Mr. Bond seconded,

Resolved, that the Board accept the Conclusions of Law proposed by the Complaint Counsel, and adopt them as their own.

The motion was approved after a unanimous vote in the affirmative. Upon the recommendation of the Complaint Counsel, Mr. Oubre moved, and Mr. Lantier seconded,

Resolved, that the Board suspend Pharmacist License No. 9080, and further, any future application for reinstatement is conditioned upon the following terms: (1) Respondent shall satisfy all requirements of California Board of Pharmacy Order No. 2127, (2) Respondent shall have had his license to practice pharmacy in the State of California restored, (3) Respondent shall pay a fine of \$2,000 to the Louisiana Board of Pharmacy, and (4) Respondent shall pay investigative costs of \$1,316.80 to the Louisiana Board of Pharmacy.

The motion was approved after a unanimous vote in the affirmative. The Board suspended the license, and further, conditioned any future application for reinstatement upon the successful completion of certain terms as identified in the Board Order. The Board also assessed investigative costs to the license.

Janice Marie Heard (Technician Certificate No. 1002) Mr. Carmichael requested Ms. Cangelosi to proceed with her presentation. She noted that since the respondent was not present, the hearing would be a default proceeding. Following her presentation of evidence and witnesses, she presented the Proposed Findings of Fact, Conclusions of Law, and recommended sanctions. Following the Board's deliberations,

Resolved, that the Board accept the Findings of Fact proposed by the Complaint Counsel, and adopt them as their own.

The motion was approved after a unanimous vote in the affirmative. Following further deliberations, Mr. Bourg moved, and Mr. Lantier seconded,

Resolved, that the Board accept the Conclusions of Law proposed by the Complaint Counsel, and adopt them as their own.

The motion was approved after a unanimous vote in the affirmative. Upon the recommendation of the Complaint Counsel, Mr. Aucoin moved, and Mr. Oubre seconded,

Resolved, that the Board revoke Technician Certificate No. 1002, and further, any future application for reinstatement is conditioned upon the payment of \$538.40 investigative costs.

The motion was approved after a unanimous vote in the affirmative. The Board revoked the certificate, and further, conditioned any future application for reinstatement upon the payment of investigative costs.

At this point, Mr. Carmichael noted that the formal hearings had concluded, and he requested Mr. Aron to resume his duties as Hearing Officer. Mr. Aron ascended to the chair, then resumed the posted agenda.

9. Report of Reinstatement Committee – Consideration of Recommendations

Mr. Aron called upon Mr. Rabb to present his committee's report. Mr. Rabb presented the following files for Board action:

David Lamar McClelland (Pharmacist License No. 9775) Mr. Rabb moved, and Mr. Lantier seconded, to grant the request for automatic reinstatement of the lapsed license, subject to the following conditions: (1) Respondent shall successfully complete the Multistate Pharmacy Jurisprudence Examination prior to February 21, 2003. (2) Respondent shall obtain, no later than February 21, 2003, at least 15 hours of ACPE approved continuing education in any manner the Respondent chooses. (3) Respondent shall procure to the office or have directed to the office letters of good standing/status from all other jurisdictions in which respondent is licensed as a pharmacist. These letters shall also indicate whether there has been any disciplinary action taken against respondent in those jurisdictions. The motion was approved after a unanimous vote in the affirmative. The Board ordered the automatic reinstatement of the license, contingent upon the completion of certain terms as identified in the Board Order.

Joyce Marie Matthews Savoie (Pharmacist License No. 15977) Mr. Rabb moved, and Ms. Jean seconded, to grant the request for automatic reinstatement of the lapsed license, subject to the following conditions: (1) Respondent shall successfully complete the Multistate Pharmacy Jurisprudence Examination prior to February 21, 2003. The motion was approved after a unanimous vote in the affirmative. The Board ordered the automatic reinstatement of the license, contingent upon the completion of certain terms as identified in the Board Order.

Ernest Richard Perry, Sr. (Pharmacist License No. 10320) Mr. Rabb moved, and Mr. Oubre seconded, to grant the request for automatic reinstatement of the lapsed license, subject to the following conditions: (1) Respondent shall successfully complete the Multistate Pharmacy Jurisprudence Examination prior to February 21, 2003. (2) Respondent shall obtain, no later than February 21, 2003, at least 30 hours of ACPE approved continuing education in any manner the Respondent chooses. (3) Respondent shall obtain, prior to February 21, 2003, at least 500 hours of updated practical experience under a Special Work Permit that shall be requested in writing by both the Pharmacist-in-Charge and the Respondent. This practical experience shall be obtained in a Board-approved pharmacy. Respondent shall submit to the Board office documentation of successful completion of said hours, along with a letter of competency of Respondent to practice pharmacy from the supervising pharmacist. The motion was approved after a unanimous vote in the affirmative. The Board ordered the automatic reinstatement of the license, contingent upon the completion of certain terms as identified in the Board Order.

10. Report of Impairment Committee – Consideration of Recommendations

Mr. Aron asked Mr. Burch to present the committee report. He presented the following files for Board action.

Curtis Ray Waycaster (Pharmacist License No. 14284) Mr. Burch moved, and Mr. Bond seconded, to accept the voluntary surrender of the license. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the indefinite suspension of the license, effective December 4, 2001.

Jean Terry Benoit (Pharmacist License No. 9922) Mr. Burch moved, and Mr. Lantier seconded, to accept the voluntary surrender of the license. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the indefinite suspension of the license, effective January 24, 2002.

At this point, Ms. Jean moved, and Mr. Aucoin seconded, to enter into executive session for the purpose of discussion of the professional competence and/or physical and mental health of several licensees. The motion was approved after a unanimous roll call vote in the affirmative. It was noted that the Board entered into executive session at 10:20 a.m. At 10:50 a.m. Mr. Aron invited the guests back into the meeting room and resumed the posted agenda. He then called upon Mr. Burch for the remainder of the committee's report.

Kyle Paul Ayme (Pharmacist License No. 11291) Mr. Burch moved, and Dr. Anderson seconded, to deny the request for reinstatement. The motion was approved after a unanimous vote in the affirmative. The Board denied the request for reinstatement.

Danny James Guidry (Pharmacist License No. 10351) Mr. Burch moved, and Mr. Oubre seconded, to grant the request for automatic reinstatement of the license, subject to the following conditions: (1) Respondent shall successfully complete the Multistate Pharmacy Jurisprudence Examination prior to February 20, 2003. (2) Respondent shall obtain, prior to February 20, 2003, at least 500 hours of updated practical experience under a Special Work Permit that shall be requested in writing by both the Pharmacist-in-Charge and the Respondent. This practical experience shall be obtained in a Board-approved pharmacy. Respondent shall submit to the Board office documentation of successful completion of said hours, along with a letter of competency of Respondent to practice pharmacy from the supervising pharmacist. (3) Respondent shall obtain, prior to February 20, 2003, at least 15 hours of ACPE approved continuing education in any manner he chooses. (4) Respondent shall procure to the office or have directed to the office letters of status from all other jurisdictions in which he is licensed as a pharmacist. These letters shall also indicate whether Respondent has had any disciplinary action taken against him in those jurisdictions. The motion was approved after a unanimous vote in the affirmative.

The Board ordered the automatic reinstatement of the license, contingent upon the completion of certain terms as identified in the Board Order.

Kim Cox Vines (Pharmacist License No. 15475) Mr. Burch moved, and Mr. Oubre seconded, to accept the voluntary surrender of the license. The motion was approved after a unanimous vote in the affirmative. The Board accepted the voluntary surrender, resulting in the indefinite suspension of the license, effective December 20, 2001.

Kim Cox Vines (Pharmacist License No. 15475) Mr. Burch moved, and Mr. Lantier seconded, to reinstate the license, suspend the license for ten years, stay the suspension, then place the license on probation for ten years, beginning December 20, 2001 and ending December 19, 2011, with the following conditions of probation: (1) Respondent shall not violate any local, state, or federal pharmacy laws. (2) Respondent shall remain alcohol and drug free. Respondent is not to use any legend drug except as part of respondent's medical treatment when legally prescribed by a licensed practitioner who is aware of respondent's in-patient treatment and aftercare. Respondent is to notify the Board in writing of any prescribed drug prior to beginning treatment. (3) Respondent shall continue aftercare as prescribed. Respondent shall maintain monthly documentation of compliance with any aftercare program and provide same to the Board upon request. (4) Respondent shall accept employment at Board-approved sites only. (5) Respondent shall inform prospective employers of impairment. (6) Respondent is prohibited from holding the position of pharmacist-in-charge. (7) Respondent shall submit to random urine, blood, or other drug screens upon request by the Board or agent of the Board and have results submitted to the Board office. Any and all fees incurred by respondent in connection with all treatments, drug and alcohol screens or reporting requirements contained in this agreement shall be borne by the respondent. A missed screen or a screen submitted beyond the mandated period is considered a positive drug screen for the purposes of this probation. (8) Respondent shall and does by respondent's subscription hereto authorize any physician or any institution at which respondent undergoes treatment for any psychiatric or substance or alcohol abuse condition to provide the Board with copies of all medical records relating to respondent's history, examination, evaluation, diagnosis, treatment, and prognosis and to provide the Board written and verbal reports thereto. Respondent waives any legal privilege by the disclosure of such records. (9) Failure to comply with the above stipulations, receipt of an unfavorable report, including any positive drug screen, or non-receipt of reports upon request by the Board or its agent may result in immediate and indefinite suspension of respondent's pharmacist license until a hearing can be had on the matter. The motion was approved after a unanimous vote in the affirmative. The Board reinstated the license, suspended it for ten years, stayed the suspension, then placed the license on probation for ten years, beginning December 20, 2001 and ending December 19, 2011, subject to certain terms as identified in the Board Order. The Board also assessed the license \$250 administrative costs

Juanita Tarver Gilbert (Pharmacist License No. 14600) Mr. Burch moved, and Mr. Lantier seconded, to reinstate the license, suspend the license for five years, stay the suspension, then place the license on probation for five years, beginning February 21, 2002 and ending February 20, 2007, subject to the following conditions of probation: (1) Respondent shall not violate any local, state, or federal pharmacy laws. (2) Respondent shall remain alcohol and drug free. Respondent is not to use any legend drug except as part of respondent's medical treatment when legally prescribed by a licensed practitioner who is aware of respondent's in-patient treatment and aftercare. Respondent is to notify the Board in writing of any prescribed drug prior to beginning treatment. (3) Respondent shall continue aftercare as prescribed. Respondent shall maintain monthly documentation of compliance with any aftercare program and provide same to the Board upon request. (4) Respondent shall accept employment at Board-approved sites only. (5) Respondent shall inform prospective employers of impairment. (6) Respondent is prohibited from holding the position of pharmacist-in-charge. (7) Respondent shall submit to random urine, blood, or other drug screens upon request by the Board or agent of the Board and have results submitted to the Board office. Any and all fees incurred by respondent in connection with all treatments, drug and alcohol screens or reporting requirements contained in this agreement shall be borne by the respondent. (8) Respondent shall and does by respondent's subscription hereto authorize any physician or any institution at which respondent undergoes treatment for any psychiatric or substance or alcohol abuse condition to provide the Board with copies of all medical records relating to respondent's history, examination, evaluation, diagnosis, treatment, and prognosis and to provide the Board written and verbal reports thereto. Respondent waives any legal privilege by the disclosure of such records. (9) Failure to comply with the above stipulations, receipt of an unfavorable report, including any positive drug screen, or non-receipt of reports upon request by the Board or its agent may result in immediate and indefinite suspension of respondent's pharmacist license until a hearing can be had on the matter. The motion was approved after a unanimous vote in the affirmative. The Board reinstated the license, suspended it for five years, stayed the suspension, then placed the license on probation for five years, beginning February 21, 2002 and ending February 20, 2007, subject to certain terms as identified in the Board Order. The Board also assessed the license \$250 administrative costs.

Mahdi Cezar (Pharmacist License No. 13691) Mr. Burch moved, and Mr. Aucoin seconded, to grant the request to remove all restrictions from the license. The motion was approved after a unanimous vote in the affirmative. The Board ordered the removal of all probationary terms and restrictions from the license, effective February 21, 2002.

Robert Thomas Lee (Pharmacist License No. 10886) Mr. Burch moved, and Mr. Oubre seconded, to accept the voluntary surrender of the license. The motion was approved after a unanimous vote in the affirmative. The Board

accepted the voluntary surrender, resulting in indefinite suspension of the license, effective February 21, 2002.

Robert Thomas Lee (Pharmacist License No. 10886) Mr. Burch moved, and Mr. Lantier seconded, to reinstate the license, suspend the license for five years, stay the suspension, then place the license on probation for five years, beginning February 21, 2002 and ending February 20, 2007, subject to the following conditions of probation: (1) Respondent shall not violate any local, state, or federal pharmacy laws. (2) Respondent shall remain alcohol and drug free. Respondent is not to use any legend drug except as part of respondent's medical treatment when legally prescribed by a licensed practitioner who is aware of respondent's in-patient treatment and aftercare. Respondent is to notify the Board in writing of any prescribed drug prior to beginning treatment. (3) Respondent shall continue aftercare as prescribed. Respondent shall maintain monthly documentation of compliance with any aftercare program and provide same to the Board upon request. (4) Respondent shall accept employment at Board-approved sites only. (5) Respondent shall inform prospective employers of impairment. (6) Respondent is prohibited from holding the position of pharmacist-in-charge. (7) Respondent shall submit to random urine, blood, or other drug screens upon request by the Board or agent of the Board and have results submitted to the Board office. Any and all fees incurred by respondent in connection with all treatments, drug and alcohol screens or reporting requirements contained in this agreement shall be borne by the respondent. (8) Respondent shall and does by respondent's subscription hereto authorize any physician or any institution at which respondent undergoes treatment for any psychiatric or substance or alcohol abuse condition to provide the Board with copies of all medical records relating to respondent's history, examination, evaluation, diagnosis, treatment, and prognosis and to provide the Board written and verbal reports thereto. Respondent waives any legal privilege by the disclosure of such records. (9) Failure to comply with the above stipulations, receipt of an unfavorable report, including any positive drug screen, on non-receipt of reports upon request by the Board or its agent may result in immediate and indefinite suspension of respondent's pharmacist license until a hearing can be had on the matter. The motion was approved after a unanimous vote in the affirmative. The Board reinstated the license, suspended the license for five years, stayed the suspension, then placed the license on probation for five years, beginning February 21, 2002 and ending February 20, 2007, subject to certain terms as identified in the Board Order. The Board also assessed the license \$250 administrative costs.

11. Report of Violations Committee – Consideration of Consent Agreements

Mr. Aron called upon Dr. Dixon to present his committee's report. Dr. Dixon presented the following files for Board action.

Bonvillain Pharmacy (Pharmacy Permit No. 3497) Dr. Dixon moved, and Mr. Aucoin seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of

Reprimand to the permit holder, then assessed administrative and investigative costs. *Charges:*

- (1) LRS 37:1241.A.15 – has evaded any local, state, or federal laws pertaining to the practice of pharmacy.
- (2) LRS 46:2625 – failed to timely submit Quarterly Fee Report, or pay the fee, to the Louisiana Medical Assistance Trust Fund.

Clinic Pharmacy (Pharmacy Permit No. 3234) Dr. Dixon moved, and Mr. Aucoin seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand to the permit holder, then assessed administrative and investigative costs. *Charges:*

- (1) LRS 37:1241.A.15 – has evaded any local, state, or federal laws pertaining to the practice of pharmacy.
- (2) LRS 46:2625 – failed to timely submit Quarterly Fee Report, or pay the fee, to the Louisiana Medical Assistance Trust Fund.

Glenda Ann Stevenson (Technician Certificate No. 3939) Dr. Dixon moved, and Mr. Bond seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board suspended the certificate for one year, stayed the suspension, then placed the certificate on probation for one year, beginning December 15, 2001 and ending December 14, 2002, subject to the following condition of probation: Respondent shall not violate any local, state, or federal pharmacy law or regulation. The Board also assessed administrative and investigative costs. *Charges:*

- (1) LRS 37:1207.A – each person certified by the board shall apply for renewal annually at a time designated by the board and pay a fee specified by the board.
- (2) LRS 37:1241.A.1 – assisted in the practice of pharmacy in violation of the provisions of this chapter.
- (3) LSC 46:LIII.2535 – pharmacy personnel performing technician functions in a hospital pharmacy shall hold a current technician certificate from the board.

Alicia Marie Baty (Technician Certificate No. 3946) Dr. Dixon moved, and Mr. Lantier seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board suspended the certificate for an indefinite period of time, then prohibited any application for reinstatement for an indefinite period of time. The Board also assessed the certificate \$1,000 plus administrative and investigative costs. *Charges:*

- (1) LRS 37:1241.A.15 – has evaded local, state, or federal laws pertaining to the practice of pharmacy.
- (2) LRS 40:968.A.1 – unlawful possession with intent to distribute a Schedule III controlled dangerous substance.
- (3) LRS 40:969.A.1 – unlawful possession with intent to distribute a Schedule IV controlled dangerous substance.
- (4) LAC 46:LIII.3501 – legend drugs must only be dispensed by a

pharmacist on the order of a licensed practitioner.

Karen Clemons Charlot (Pharmacist License No. 13191) Dr. Dixon moved, and Mr. Carmichael seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Warning to the respondent. *Charges:*

- (1) LRS 37:1201.A – it is unlawful for an individual to engage in the practice of pharmacy unless currently licensed by the board.
- (2) LRS 37:1241.A.15 – has evaded local, state, or federal laws pertaining to the practice of pharmacy.
- (3) LAC 46:LIII.507.A – failure to renew pharmacist license on a timely basis.

Nicholas Dwayne Brabham (Pharmacist License No. 14744) Dr. Dixon moved, and Mr. McKay seconded, to accept the Voluntary Consent Agreement. The motion was approved after a majority vote in the affirmative; on a roll call vote, Mr. Carmichael and Mr. Oubre objected. The Board issued a Letter of Reprimand to the respondent, then assessed him \$1,000 plus administrative and investigative costs. *Charges:*

- (1) LRS 37:1241.A.15 – has evaded any local, state, or federal laws pertaining to the practice of pharmacy.
- (2) LRS 40:966.C – unlawful possession of a Schedule I controlled dangerous substance.

William Frank Lucas (Pharmacist License No. 8340) Dr. Dixon moved, and Mr. Lantier seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board suspended the license for five years, stayed the suspension, then placed the license on probation for five years, beginning December 15, 2001 and ending December 14, 2006, subject to the following condition of probation: respondent shall not violate any local, state, or federal pharmacy law or regulation. The Board also assessed the respondent \$1,000 plus administrative and investigative costs. *Charges:*

- (1) LRS 37:1241.A.15 – has evaded any local, state, or federal laws or regulations pertaining to the practice of pharmacy.
- (2) LAC 46:LIII.3501 – legend drugs must only be dispensed by a pharmacist on the order of a licensed practitioner.
- (3) LAC 46:LIII.3529.B.2 – pharmacist must exercise sound professional judgment to ascertain the authenticity and legitimacy of prescriptions for controlled substances.

Charles Clinton McCartney, III (Pharmacist License No. 10565) Dr. Dixon moved, and Mr. Oubre seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board suspended the license for five years, stayed the suspension, then placed the license on probation for five years, beginning November 28, 2001 and ending November 27, 2006, subject to the following conditions of probation:

- (1) Respondent shall not violate any local, state, or federal pharmacy laws. (2)

Respondent shall meet with a board-approved addictionist no later than December 15, 2001. (3) Respondent shall meet with the Impairment Committee at its next scheduled meeting, tentatively set for February 20, 2002. (4) Respondent shall remain alcohol and drug free. Respondent is not to use any legend drug except as part of respondent's medical treatment when legally prescribed by a licensed practitioner who is aware of respondent's in-patient treatment and aftercare. Respondent is to notify the Board in writing of any prescribed drug prior to beginning treatment. (5) Respondent shall continue aftercare as prescribed. Respondent shall maintain monthly documentation of compliance with any aftercare program and provide same to the Board upon request. (6) Respondent shall accept employment at Board-approved sites only. (7) Respondent shall inform prospective employers of impairment. (8) Respondent is prohibited from holding the position of pharmacist-in-charge. (9) Respondent shall submit to random urine, blood, or other drug screens upon request by the Board or agent of the Board and have results submitted to the Board office. Any and all fees incurred by respondent in connection with all treatments, drug and alcohol screens or reporting requirements contained in this agreement shall be borne by the respondent. (10) Respondent shall and does by respondent's subscription hereto authorize any physician or any institution at which respondent undergoes treatment for any psychiatric or substance or alcohol abuse condition to provide the Board with copies of all medical records relating to respondent's history, examination, evaluation, diagnosis, treatment, and prognosis and to provide the Board written and verbal reports thereto. Respondent waives any legal privilege by the disclosure of such records. (11) Failure to comply with the above stipulations, receipt of an unfavorable report, including any positive drug screen, on non-receipt of reports upon request by the Board or its agent may result in immediate and indefinite suspension of respondent's pharmacist license until a hearing can be had on the matter. The Board also assessed the respondent \$1,000 plus administrative and investigative costs. *Charges:*

- (1) 21 CFR 1306.04 – prescriptions for a controlled substance may be issued only for a legitimate medical purpose.
- (2) LRS 37:1241.A.15 – has evaded any local, state, or federal laws or regulations pertaining to the practice of pharmacy.
- (3) LRS 40:978.B – unlawful dispensation of Schedule III controlled dangerous substance.
- (4) LAC 46:LIII.3529.B – pharmacist must ascertain authenticity and legitimacy of prescriptions for controlled dangerous substances.
- (5) LAC 46:LIII.3529.C – unlawful for pharmacist to forge or dispense a forged prescription for controlled dangerous substances.

Evans Drug Mart (Pharmacy Permit No. 2937) Dr. Dixon moved, and Mr. Aucoin seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board assessed the permit holder \$1,000 plus administrative and investigative costs. *Charges:*

- (1) LRS 37:1241.A.1 – permitted anyone in his employ to practice pharmacy in violation of the provisions of this chapter.

- (2) LAC 46:LIII.3529.E – pharmacist-in-charge is accountable for audits of controlled dangerous substances.
- (3) LAC 46:LIII.3531.H.2 – schedule drug inventories must be complete and reflect an accurate accounting of schedule drug transactions.

Thomas James Lemoine (Pharmacist License No. 14604) Dr. Dixon moved, and Mr. Aucoin seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand to the respondent, then assessed him administrative costs. *Charges:*

- (1) LRS 37:1241.A.1 – practiced pharmacy in violation of the provisions of this chapter.
- (2) LAC 46:LIII.3529.E – pharmacist-in-charge is accountable for audits of controlled dangerous substances.
- (3) LAC 46:LIII.3531.H.2 – schedule drug inventories must be complete and reflect an accurate accounting of schedule drug transactions.

Evans Drug Mart No. 2 (Pharmacy Permit No. 4118) Dr. Dixon moved, and Mr. Bourg seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board assessed the permit holder \$1,000 plus administrative and investigative costs. *Charges:*

- (1) LRS 37:1241.A.1 – permitted anyone in his employ to practice pharmacy in violation of the provisions of this chapter.
- (2) LAC 46:LIII.3529.E – pharmacist-in-charge is accountable for audits of controlled dangerous substances.
- (3) LAC 46:LIII.3531.H.2 – schedule drug inventories must be complete and reflect an accurate accounting of schedule drug transactions.

David Collins Evans (Pharmacist License No. 14181) Dr. Dixon moved, and Mr. Bond seconded, to accept the Voluntary Consent Agreement. The motion was approved after a unanimous vote in the affirmative. The Board issued a Letter of Reprimand to the respondent, then assessed him administrative costs. *Charges:*

- (1) LRS 37:1241.A.1 – practiced pharmacy in violation of the provisions of this chapter.
- (2) LAC 46:LIII.3529.E – pharmacist-in-charge is accountable for audits of controlled dangerous substances.
- (3) LAC 46:LIII.3531.H.2 – schedule drug inventories must be complete and reflect an accurate accounting of schedule drug transactions.

12. Adjourn

Mr. Aucoin moved, and Mr. Oubre seconded, to adjourn. The motion was approved after a unanimous vote in the affirmative. With no further business before it, Mr. Aron adjourned the Board at 11:40 a.m.

Respectfully submitted,

Reuben R. Dixon, Pharm.D.
Secretary